

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

MOUNIR MRABET,

Defendant.

23-cr-69 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On November 9, 2023, a jury convicted defendant Mounir Mrabet of various counts arising from his participation in a conspiracy to distribute fentanyl and methamphetamine. See ECF No. 47. The Court then sentenced Mr. Mrabet to a term of imprisonment of 270 months. See ECF No. 56. On May 10, 2024, Mr. Mrabet appealed from the Court's judgment. See ECF No. 57. As of the date of this Order, that appeal remains pending.

The Court is now in receipt of two pro se letters from Mr. Mrabet. The first letter, which is dated January 27, 2025, asks the Court to dismiss the indictment under Federal Rule of Civil Procedure 12(b)(6). See ECF No. 62. The second letter, which is dated February 25, 2025, asks the Court grant relief under Federal Rule of Civil Procedure 60(b), as well as under 18 U.S.C. § 3582. See ECF No. 67.

The Court cannot address or resolve the motions set forth in Mr. Mrabet's letters at this time. "The filing of a notice of appeal is an event of jurisdictional significance -- it confers

jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) "A district court does not regain jurisdiction until the issuance of the mandate by the clerk of the court of appeals." United States v. Rodgers, 101 F.3d 247, 251 (2d Cir. 1996); see also United States v. Rivera, 844 F.3d 916, 921 (2d Cir. 1988) ("Simply put, jurisdiction follows the mandate."). Accordingly, the Court must wait until the mandate of the United States Court of Appeals for the Second Circuit issues with respect to Mr. Mrabet's appeal before addressing or resolving his motions.

SO ORDERED.

Dated: New York, NY
April 23, 2025


JED C. RAKOFF, U.S.D.J.